

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  SPENCER MUNICIPAL COMMUNICATIONS UTILITY	DOCKET NO. TCU-99-11
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**ORDER GRANTING APPLICATION AND APPROVING MAP**

(Issued June 22, 1999)

On April 15, 1999, Spencer Municipal Communications Utility (Spencer) filed an application for issuance of a certificate of public convenience and necessity, pursuant to IOWA CODE § 476.29 (1999), and a proposed map. Spencer intends to provide local exchange service in the Spencer exchange currently served by U S West Communications, Inc. No objections were filed.

IOWA CODE § 476.29(13) states, in part, "Notwithstanding other provisions of this section, approval by the voters of a city pursuant to section 388.2 of a proposal to establish or acquire a public utility is conclusive evidence of the fact that the city has the technical, financial, and managerial ability to provide such service." Spencer provided the results of a vote of its citizens approving the establishment of a municipal communications utility to provide both cable and voice services. Pursuant to IOWA CODE § 476.29(13), approval by the voters is conclusive evidence Spencer has the technical, financial, and managerial ability to provide such service. Spencer also stated granting its application will promote competition, foster economic development, provide municipal law consumer protection, and enhance education.

It is in the public interest to grant Spencer's application. The Board has reviewed the proposed map and will approve it. The Board will require Spencer to file a statement regarding the availability of a 2-PIC methodology for dialing parity.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of public convenience and necessity and associated map filed by Spencer Municipal Communications Utility on April 15, 1999, are approved, subject to the requirement that follows.
2. At the time Spencer files tariffs with the Board, it shall file a statement that a 2-PIC methodology for dialing parity is available for all customers.
3. At the time Spencer files tariffs with the Board, it must give notice to all affected local exchange carriers. Upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service in Iowa offered by Spencer and a statement that Spencer will offer dialing parity the Board will issue a certificate of public convenience and necessity allowing Spencer to provide local exchange service in Iowa.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.  
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 22<sup>nd</sup> day of June, 1999.